RECEIVED

FEB 04 2016 EAG 2-4-16 THOMAS G. BRUTON

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS CLERK, U.S. DISTRICT COURT

JUSTIN CREDICO) CASE NO: TBA §1983 COMPLAINT V. FIRST AMENDMENT SPEECH RETALIATION FIRST AMENDMENT CHILLED SPEECH INJURY BLUE ISLAND TOWNSHIP: DECLARATORY/INJUNCTIVE RELIEF Unknown Blue Island Police Officer: Related Case No: (individually / officially) Credico v. Blue Isl, 15-3037 (CA3) Blue Island Occupy Incident (unknown)

Q1983 CIVIL RIGHTS COMPLAINT

DECLARATORY RELIEF

16-cv-1973 Judge Milton I. Shadur Magistrate Judge Sheila Finnegan

INJUNCTIVE RELIEF

FOR FIRST AMENDMENT INJURIES

INTRODUCTION

- 1. This is an action against the Blue Island Township
- 2. This is also an action against an Unknown Officer of Blue Island Police
- 3. All defendants are located in or about the Blue Island Township of the state of Illinois

JURISDICTION

- 4. This claim is brought under §1983, and the First Amendment right to speech, and redress clauses
- 5. Also, this claim is brought under 28 USC 1331, 28 USC 1343
- 6. The court may exercise supplemental jurisdiction over state law claims that arise from the same facts and circumstances, doing so under 28 USC 1367

Inmate Funds Request

. Please forward any funds

I am currently

that I left at your facility to me at the address listed below. Thank you for your assistance.

incarcerated at FDC Philadelphia, Pennsylvania. I was incarcerated at your facility under the

Virginia (North) Iail P. O. Box 1090	Hudson County Jail 30 Hackensack Avenue	
in due of sinionin	liol vitario) gosbuH	
Thornton, PA 19373		Orange, VA 22960
Cheney Road	Patterson, NJ 17501	P. O. Box 1257
P. O. Box 23A	11 Marshal Street	13201 James Madison Highway
Delaware County Prison	Passaic County Iail	Virginia (Central) Jail
Josel Aq amoteslyoQ	Philadelphia, PA 19136	West Chester, PA 19382
1730 South Easton Road	8201 State Road	501 South Wawa Set Road
Buck County Jail	CFCF	Chester County Jail
Fairton, NJ 08320	Minersville, PA 19754	Leesport, PA 19533
P. O. Box 280	P. O. Box 700	1287 County Welfare Road
FCI Fairton	FCI Schuylkill	Berks County Isil
1000-74902 swol , sənioM səC		
ost Office Box 474701		
nsert Inmate Register Number		
nsert Inmate Name		
ederal Bureau of Prisons		
Print Name)	(Sign Name)	(Register Number)

Kearny, NJ 07032

Warsaw, VA 22572

following name and register number

My name and federal register number are

Case: 1:16-cv-01973 Document #: 1 Filed: 02/04/16 Page 2 of 14 PageID #:2

PARTIES

- 7. Plaintiff is a resident of Chester County Pennsylvania
- 8. At all times the defendants are residents of Blue Island Illinois
- 9. Defendant Blue Island Township is a Township for Monell purposes
- 10. Defendant unknown Blue island Police officer, sued in his individual and official capacity, is a police officer of Blue island Police located in Blue Island Township

All defendants were under color of state law

- FACTUAL ALLEGATIONS

 12. On or about February 2014, the plaintiff reviewed a case concerning an incident that transpired between Blue Island and the Occupy Movement 13. After having read the case, which is listed as "related case" and seeing the video of the incident in which the Blue Island Police pepper sprayed an angry protester, the plaintiff decided to attempt to obtain information from the Blue Island Police concerning the incident and the "then pending" federal lawsuit.
- 14. The plaintiff, upon calling the Blue Island Police department, got into an argument with the presumed to be answering official. This answering official is not listed as defendant
- 15. The answering official transferred plaintiff's call to the answering machine of another Blue Island Police Officer
- 16. The plaintiff left an angry voicemail but did not request the officer to call him back
- 17. Plaintiff went on with his day and assumed that the issue would never progress any further.
- 18. However, the next morning, the plaintiff received a phone call and voicemail from an unknown Blue Island official, who is listed as defendant

Inmate Funds Request

incarcerated at FDC Philadelphia, Pennsylvania. I was incarcerated at your facility under the

My name and federal register number are

. I am currently

Orange, VA 22960		Thornton, PA 19373
P. O. Box 1257	Patterson, VJ 17501	Cheney Road
13201 James Madison Highway	11 Marshal Street	P. O. Box 23A
Virginia (Central) Iail	Passaic County Iail	Delaware County Prison
		•
West Chester, PA 19382	Philadelphia, PA 19136	Doylestown, PA 19801
501 South Wawa Set Road	8201 State Road	1730 South Easton Road
Chester County Jail	CECE	Buck County Isil
Leesport, PA 19533	Minersville, PA 19754	Fairton, VJ 08320
1287 County Welfare Road	P. O. Box 700	P. O. Box 280
Berks County Isil	FCI Schuylkill	FCI Fairton
		Des Moines, Iowa 50947-0001
• • •		Post Office Box 474701
		Insert Inmate Register Number
		Insert Inmate Name
		Federal Bureau of Prisons
*		
(Register Number)	(Sign Name)	(erint Name)
	the address listed below.	that I left at your facility to me at
. Please forward any funds	17	following name and register num

Kearny, NJ 07032

Hudson County Jail

30 Hackensack Avenue

Warsaw, VA 22572

Virginia (North) Jail

P. O. Box 1090

Case: 1:16-cv-01973 Document #: 1 Filed: 02/04/16 Page 4 of 14 PageID #:4

- 19. Upon reviewing his voice mail left by the police officer, the plaintiff was ordered to call back by the government official of Blue Island Police 20. Upon obeying the officer's order, the plaintiff, who was half-asleep, began to argue with the Blue Island officer about how he wanted to be left alone and that this issue concerning the Occupy pepper spraying was obviously not going to progress anywhere. Also, before hanging up, the plaintiff told the Blue Island Police that they should not be over there pepper spraying innocent young women protesters. Again, another argument ensued, and the plaintiff hung up
- 21. Plaintiff went back to sleep and was again awoken by the Blue Island police officer's incoming call. However, before answering the call the plaintiff setup his phone to record the conversation, doing so pursuant to the single party consent statute and provision of the federal wiretap statute in order to protect himself
- 22. While recording his own phone conversation, the plaintiff recorded the officer as saying, "YOURE DOOMED! and YOUR WHOLE BREED IS DOOMED ... FAMILY IS DOOMED!
- 23. Plaintiff then filed his original complaint in Philadelphia Federal Court
 24. This was the wrong venue, and upon final exhaustion of remedies of procedure in the Appellate court (CA3), the plaintiff now brings the claim to
 this court
- 25. Plaintiff has already posted the recording onto the public fora internet and this court my find the recording posted onto the plaintiff's MYSPACE page under his screen name: JMC31337

Inmate Funds Request

	Insert Inmate Register Number Post Office Box 474701 Des Moines, Iowa 50947-0001
	Federal Bureau of Prisons
(Register Number)	(Sign) (Sign)
listed below. Thank you for your assistance.	that I left at your facility to me at the address
Please forward any funds	following name and register number
nia. I was incarcerated at your facility under the	incarcerated at FDC Philadelphia, Pennsylva
I am currently	My name and federal register number are

	Hudson County Jail 30 Hackensack Avenue Kearny, NJ 07032	Virginia (North) Iail P. O. Box 1090 Warsaw, VA 22572
Virginia (Central) Iail 13201 James Madison Highway P. O. Box 1257 Orange, VA 22960	Passaic County Iail 11 Marshal Street Patterson, NI 17501	Delaware County Prison P. O. Box 23A Cheney Road Thornton, PA 19373
Chester County Jail	CFCF	Buck County Isil
501 South Wawa Set Road	8201 State Road	1730 South Easton Road
West Chester, PA 19382	Philadelphia, PA 19136	Doylestown, PA 19801
Berks County Velfare Road	FCI Schuylkill	FCI Fairton
1287 County Welfare Road	P. O. Box 700	P. O. Box 280
Leesport, PA 19533	Mineraville, PA 19754	Fairton, VJ 08320

Case: 1:16-cv-01973 Document #: 1 Filed: 02/04/16 Page 6 of 14 PageID #:6

Case: 1:16-cv-01973 Document #: 1 Filed: 02/04/16 Page 7 of 14 PageID #:7

FEDERAL THEORIES OF RECOVERY

26. RETALIATION

- a. The plaintiff was retaliated for conduct of of constitutional nature, that being requesting information about an incident of pepper gassing an Occupy female protester
- b. This conduct thus stemmed into the officer telling the plaintiff he and his family are DOOMED! and his whole breed is doomed! Whatever "breed that might be" -plaintiff seriously hopes that the officer was not referring to him being a hacker or hacktavist, because from where the plaintiff sits, the hackers all across the world are beating the crap out of this government's country, and, the government has nothing to show for itself- but, its unknown as to what "breed" the officer was referring to
- c. Activity that is protected, to wit, the First Amendment speech clause, subsequently responded by the government with retaliatory actions or comment that would deter further constitutionally protected activity is retaliation 27. CHILLED SPEECH
- a. The present objective harm suffered by the plaintiff was that his speech was replied by the government with specific actions and statements directed toward the plaintiff telling the plaintiff that he is doomed, his family is doomed, and his "breed" is doomed.
- b. These remarks and actions by the government are sufficient in degree to chill the exercise of First Amendment rights

28. MONELL CLAIM

a. The "routine" replies of chilling free speech constitute a "practice" that satisfies a Monell claim. The Blue Island have been alleged to have "chilled" or "retaliated" against persons over speech related incidents or other Constitutionally protected rights. To wit, the Blue Island were sued

	Date	Unit Manager
	or Date	Correctional Counsel
(circle one) accomplished.) jou sew/sew	noituloser lsmrolnl
contacted:	partment Head	Wame and Title of De
*	:squ	Unit Manager's Comme
	:sem a	The inmate's respons
s) of action or alternatives to the inmate:	owing course(I suggested the follo
llowing aspects of the complaint that he/she		The inmate and I disc felt were of major co
	dweep lun no	here.)
this inmate's complaint concerning:		X S
copy of the Incident Report.	в повіть ,по	If appealing UDC acti
ccnrred:	oo lo benisiq	Date the incident com
Reg. No.:	·	: smsK stsmrI
peq:	Intion Attemp	Date(s) Informal Reso
this document to each BP-9 when informal side this without this		
TAMBLE NOTIONOS Y	THEORMAN	

EDC DHIFYDEFDHIY' DENNSKINANIA

PHL 1330.16 Attachment A

by a female protester who was expressing free speech (protesting) during an Occupy movement. The incident conerning the female was that she was screaming (protesting) and the official sprayed her in the face for her protesting. Later the government attempted to explain-away its conduct arguing that their official had probable cause. Whether the case ended in favor of the government or plaintiff is not relevant, however, what is relevant is that over and over we see horrible chilling, retaliation, and actions by the same government body over constitutionally protected activity. Such can all be said to be "practice" and commonly routine by a municipal entity Plaintiff and related case have suffered very similar "practice" over their constitutionally protected activity

- 29. PLRA FIRST AMENDMENT VIOLATIONS
- a. In Zamiara v. King 788 F.3d 207 (6CA), the court has decided a decision that this court should adopt as well: The PLRA does not preclude prisoners from asserting meritorious Section 1983 claims alleging First Amendment violations merely because the violation did not also cause physical
- 30. JUDICIAL NOTICE OF AUDIO RECORDING AND OCCUPY INCIDENT
- a. The plaintiff requests that the court obtain the copy of the audio recording posted onto the internet MYSPACE page and take judicial notice of it.
- b. Additionally the plaintiff request the court to take judicial notice of the female pepper-spraying incident that transpired at an Occupy Movement protest. Unfortunately, the plaintiff does not know if such incident is a state case or not.

		Date		Unit Manager
		Date	Connselor	Correctional
sccomplished.	circle one)	was not (c	\sew noitul	Informal reso
	contacted:	ment Head	e of Depart	LtiT bas emsW
		× ×	s Comments:	Unit Manager'
		: s	response wa	The inmate's
or alternatives to the inmate:	s of action	d conzee(a	he followin	I suggested t
		= 0		
ets of the complaint that he/she	adsp butwott			The thmate an
	· · · · · · · · · · · · · · · · · · ·			
				here.)
se's complaint concerning:				_
Incident Report.	cobl of the	s doesta	, noitse DQU	Tf appealing
	cnrred:	oo jo pau	dent compla:	Date the inci
:4inu	ой . :	я		Inmate Wame:
	. pəq:	on Attemp	mal Resoluti	Date(s) Infor
ill not be accepted without this	M UOTSSTWON	s əu.i. Ti	nissəoonsun	Tesoracron Ts

FDC PHILADELPHIA, PENUSYLVANIA INFORMAL RESOLUTION ATTEMPT

PHL 1330.16 Attachment A

RELIEF REQUESTED

Plaintiff asks for the following relief:

- 1. Unliquidated monetary damages for First Amendment violations
- 2. Declaratory Relief establishing new "policy" "practices" such that these types of routine violations no longer transpire
- 3. Injunctive Relief enjoining the defendants from any further First Amendment violations of retaliation, and chilling

1-30-16

DATED

JUSTIN CREDICO

	Date	Unit Manager
	lor Date	Correctional Counse
sle one) accomplished.	was/was not (circ	Informal resolution
tacted:	epartment Head con	Mame and Title of D
× ×		
	: 51 !! =	Unit Manager's Comm
	. 5 + 4 0	mass standard trail
		,
	se was:	The inmate's respon
f action or alternatives to the inmate:	Jowing course(s)	I suggested the fol
	concern:	felt were of major
ing aspects of the complaint that he/she	schased the follow	ib I bas etsmai edT
4		
***		here.)
informal resolution, please indicate	sed any attempt at	(If the inmate refu
is inmate's complaint concerning:	un io uotintosei 1	I attempted iniorma
	44 3	
y of the Incident Report.	cion, actach a cop	If appealing UDC ac
122		
. pea	Tuppo to bedisfamo	Date the incident co
oM	Ked.	Ілтате Мате:
74,54		
:	solution Attempted	Date(s) Informal Res
		form.
ission will not be accepted without this		
s document to each BP-9 when informal	ste and attach this	Instructions: Comple
	CEN BUNNATUR	
HIA, PENUSYLVANIA SOLUTION ATTEMPT		
AINAV.IVDNUGG AIH	GIACKLING DOT	

PHL 1330.16 Attachment A

Case: 1:16-cv-01973 Document #: 1 Filed: 02/04/16 Page 13 of 14 PageID #:13

CERTIFICATE OF SERVICE

I hereby verify that on this day of January 2016, one true copy of the enclosed Section 1983 civil rights complaint was sent via first class mail to the following:

Clerk of Courts

U.S. District Courthouse

219 S. Dearborn Street

20th Floor

Chicago Illinois 60604

1-24/16

DATED

Justin Credico

PHL 1330.16 Attachment A

FDC PHILADELPHIA, PENNSYLVANIA INFORMAL RESOLUTION ATTEMPT

Instructions: Complete and attach this document to each BP-9 when informal resolution is unsuccessful. The submission will not be accepted without this form. Date(s) Informal Resolution Attempted: Inmate Name:______ Reg. No.:_____ Unit:____ Date the incident complained of occurred: If appealing UDC action, attach a copy of the Incident Report. I attempted informal resolution of this inmate's complaint concerning: (If the inmate refused any attempt at informal resolution, please indicate The inmate and I discussed the following aspects of the complaint that he/she felt were of major concern:_____ I suggested the following course(s) of action or alternatives to the inmate: The inmate's response was: Unit Manager's Comments: Name and Title of Department Head contacted:_____ Informal resolution was/was not (circle one) accomplished. Correctional Counselor Date

Unit Manager